

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

11 Cr. 474 (JGK)

- against -

JUAN MURIEL,

MEMORANDUM OPINION AND
ORDER

Defendant.

JOHN G. KOELTL, District Judge:

The pro se defendant, Juan Muriel, has moved for a reduction in sentence in light of Amendment 782 to the United States Sentencing Guidelines, which generally reduced the offense levels for controlled substance offenses by two levels.

See 18 U.S.C. § 3582(c)(2).

At a sentencing hearing on July 12, 2013, the Court determined that the defendant had a Total Offense Level of 29 and a Criminal History Category of VI, which resulted in a Guideline Sentencing Range of 151 to 188 months. These calculations were based on the fact that the defendant was a Career Offender, and the Guidelines Sentencing Range was governed by § 4B1.1 of the Guidelines. Nevertheless, the Court downwardly varied from the Guidelines and imposed a sentence that consisted principally of 96 months' imprisonment.

The recent amendments to the Sentencing Guidelines do not change the Career Offender Guideline, and, therefore, the Guidelines that apply to the defendant are no different from those that applied at the time of sentencing. Accordingly, the

defendant is not eligible for resentencing. See 18 U.S.C. § 3582(c)(2); U.S.S.G. § 1B1.10(a)(2)(B); see also United States v. Thomas, 775 F.3d 982, 983 (8th Cir. 2014) (per curiam); United States v. Martinez, 572 F.3d 82, 85 (2d Cir. 2009) (per curiam); United States v. Frederick, No. 11-cr-1058 (JGK), 2015 WL 3650077, at *1 (S.D.N.Y. June 9, 2015).

The defendant's application for resentencing is therefore denied.

SO ORDERED.

Dated: **New York, New York**
September 19, 2015

John G. Koeltl
United States District Judge